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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/551,914	04/19/2000	Chris A. Shenefiel	95-423	2819

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EXAMINER

NGUYEN, PHUOC H

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 06/10/2004

11

Please find below and/or attached an Office communication concerning this application or proceeding.

8

Office Action Summary

Application No.

09/551,914

Applicant(s)

SHENEPIEL, CHRIS A.

Examiner

Phuoc H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed on April 1, 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-17 and 19-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-6, 8, 11-17, 19-23, 25, 28 and 29 is/are rejected.
- 7) ☒ Claim(s) 7, 9, 10, 24, 26, 27, 30 and 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to the applicants Amendment filed on April 1, 2004, (Paper No. 10). Claims 2,11,14,15, and 19 have been amended; claims 1, and 18 have been cancelled, and claim 30 and 31 has been added. Claims 2-17, and 19-31 are presented for further consideration and examination

Response to Arguments

2. Applicants' arguments have been fully considered but they are not persuasive.

Applicants argued that Perrone et al. U.S. Patent 6,157,705 does not teach or suggest of identifying a corresponding messaging operation and a corresponding operand from the audio file. Based on the claim language, the corresponding operand does not limit to a reference to a folder or a reference e-mail. Instead the specification from 1st paragraph page 11 define the corresponding operand as either a reference to a folder, or a reference to an e-mail, or etc. Therefore, the examiner takes the position that the corresponding operand is a reference to a web page (col. 14, lines 58-65), wherein identifying a corresponding messaging operation (eg. speech recognition) and a corresponding operand (eg. associate web page) from the audio file (eg. speech file).

Furthermore applicant stated that claim 28 as inconsistent rejection with respect to claim 6. Examiner disagrees with the applicant with respect to claim 6 applicant discloses a method for *the step of identifying* the corresponding messaging operation, which includes identifying a messaging folder. And with respect to claim 28, applicant discloses a method for *generating a*

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first file, that specifies a messaging operation for a prescribed folder... Both the method of claim 6 and claim 28 are distinct; therefore, the rejection is consistent.

3. Claim 3-10,12-13,15-17,20-27, and 29-31 is rejected at least by virtual of their dependency on independent and by other reasons set forth in the previous office action [see Paper No. 9].

4. According, rejections for claims 2-17, and 19-31 are presented as below.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 2-3,5,11-17,19-20,22, and 28-29 rejected under 35 U.S.C. 102(e) as being anticipated by Perrone et al. U.S. Patent 6,157,705.

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7. Referring to claims 2, and 19, Perrone reference discloses receiving, from a browser configured for dynamic control of audio operations, an HTTP request having an audio file that stores received voice signals specifying a messaging operation (col. 14, lines 35-38); identifying the messaging operation in the application server by interpreting the audio file (col. 14, lines 53-56); and outputting a function call specifying the messaging operation to the messaging server according to IP protocol (col. 14, lines 56-65), wherein the step of interpreting the audio file includes: executing a speech recognition process based on a voice command identifier specified in the HTTP request (Speech Recognizer, (Figures 1B, and 2B; and col. 14, lines 56-63)), and identifying by the speech recognition process the corresponding messaging operation (eg. speech recognition) and a corresponding operand (eg. associate web page) from the audio file (eg. speech file) (Figure 2B; and col. 14, lines 56-63). \

8. Referring to claims 3, and 20, Perrone reference discloses the outputting step includes selecting the function call based on the identified messaging operation, and supplying with the function call the corresponding operand (transmit the web page to the browser 24, Figure 2B; col. 14, lines 56-63).

9. Referring to claims 5, and 22, Perrone reference discloses receiving from the messaging server a response to the function call that specifies a stored message, and sending an HTML page to the browser for playback of a second audio file representing the stored message (Figure 4, Transmit response over voice communication channel 416; and col. 16, lines 46 through col. 17, lines 2).

10. Referring to claims 11, and 14, Perrone reference discloses an HTTP interface configured for receiving an HTTP request from a browser configured for dynamic control of audio

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operations, the HTTP request having an audio file that stores voice signals received by the browser from a user input device and specifying a messaging operation (col. 14, lines 35-38); and an executable application runtime environment configured for generating for the browser an HTML page having media content information and associated media control information in response to the HTTP request, the executable application runtime environment configured for outputting a selected function call specifying the messaging operation to the messaging server according to a prescribed messaging protocol (Figures 1B, 2B, and 4; col. 14, lines 39-65; and col. 16, lines 32 through col. 17, 1st paragraph).

11. Referring to claims 12, and 15, Perrone reference discloses a speech recognition process configured for identifying the messaging operation from the audio file, and a text-to-speech process configured for converting text-based messages received from the messaging server to a second audio file to be sent in the HTML page for playback by the browser to the user of the user input device (Figure 4; and col. 16, lines 32 through col. 17, 1st paragraph).

12. Referring to claims 13,16, and 17, Perrone reference discloses the executable application runtime environment executes the speech recognition process based on a voice command identifier parsed based on a determined application state of the user (col. 14, lines 49-65; and col. 16, lines 32-45).

13. Referring to claim 28, Perrone reference discloses generating a first file, that specifies a messaging operation for a prescribed folder in a messaging server, based on voice signals received from a user and that specify the messaging operation for the prescribed folder, sending an HTTP request including the first file to an application server (col. 14, lines 35-38); receiving an HTML page from the application server including a second file having an indication whether

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the messaging operation for the prescribed folder was executed by the messaging server, and generating audio signals for the user, based on the second file, to provide the indication to the user (col. 14, lines 56-65; and col. 16, lines 32 through col. 17, 1st paragraph).

14. Referring to claim 29, Perrone reference discloses generating the first file in an audio file format (col. 13, lines 48-58).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 4, and 21 rejected under 35 U.S.C. 103(a) as being unpatentable over Perrone in view of applicant admitted prior art.

Perrone reference discloses the outputting step includes selecting the function call based on the identified messaging operation, and supplying with the function call the corresponding operand; however, Perrone reference fails to teach the outputting step includes outputting the function call according to IMAP protocol.

Applicant admitted prior art discloses the outputting step includes outputting the function call according to IMAP protocol (page 2, lines 8-11).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate admitted prior art teaching into Perrone's method to use the IMAP protocol to carry out the function call, because IMAP protocol permits a user (client) to retrieve messages from a desktop computer.

17. Claims 6,8,23, and 25 rejected under 35 U.S.C. 103(a) as being unpatentable over Perrone in view of Uppaluru U.S. Patent 5,915,001.

Referring to claims 6,8,23, and 25, Perrone reference discloses receiving from the messaging server a response to the function call that specifies a stored message, and sending an HTML page to the browser for playback of a second audio file representing the stored message; however, Perrone fails the step of identifying the corresponding messaging operation and the corresponding operand includes identifying a messaging folder specified by the operand, and the step of outputting the function call includes specifying the message folder within the operand with the corresponding function call.

Uppaluru reference disclose identifying the corresponding messaging operation and the corresponding operand includes identifying a messaging folder specified by the operand, and the step of outputting the function call includes specifying the message folder within the operand with the corresponding function call (Figures 6, and 7, Uppaluru's invention teaches the user of voice to access a homepage, and invoke service by inputs voice commands such as access to mail box folder (figures 3-5), the mailbox service enables a subscriber to access electronic mail messages are played for the subscriber using text to speech conversion and a speech synthesizer col. 11, lines 63-67).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Uppaluru's teaching into Perrone's method to identify a messaging folder specified by the operand, because it will provide a quicker way to retrieve suitable information that enhances his/her navigation and access of the information stored in the voice web using voice command.

Allowable Subject Matter

18. Claims 7,9,10,24,26,27,30, and 31 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H. Nguyen whose telephone number is 703-305-5315. The examiner can normally be reached on Mon -Thu (7AM-4:30PM) and off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuoc H. Nguyen
Examiner
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